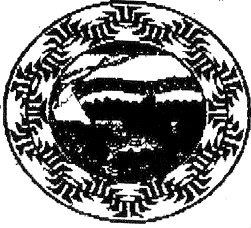


Agenda Item I.3.c
Supplemental Yurok Tribal Comments
November 2006



YUROK TRIBE

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November 3, 2006

Pacific Fisheries Management Council
Attn: Mr. Don Hansen, Chairman
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Aiy-yu-kwee' Mr. Hansen:

On behalf of the Yurok Tribe, I submit these comments regarding the proposed Amendment 15 to the Pacific Salmon Plan. I am concerned that implementation of either of the two more liberal harvest alternatives within the Environmental Assessment (EA) would jeopardize the future productivity and viability of Klamath River fall chinook, a resource of critical importance to Yurok People. Therefore, I recommend that the Pacific Fisheries Management Council (PFMC) adopt an alternative that is precautionary in nature, similar to the recommendation that the Klamath Fisheries Management Council (KFMC) forwarded to the PFMC in November of 2005.

The fishery resource of the Klamath River is an integral component of the Yurok way of life; for ceremonial, subsistence, and commercial purposes. The Yurok Tribe has always managed our fishery responsibly, prioritizing conservation of the resource for long-term productivity instead of short-term over-exploitation, so that future generations of Yurok People will benefit. We are concerned that our responsible management practices could be negated and the future of Yurok People compromised by alternatives contained within the proposed amendment.

The Yurok Tribe has actively participated in the Pacific Fisheries Management process for many years; a process that has typically been based upon the best available science to ensure appropriate harvest levels while ensuring the protection of the long-term productivity of our fishery resource. We are disappointed that some of the alternatives within the Amendment, such as those that allow a 25-33% spawner reduction rate regardless of the projected abundance of Klamath fall Chinook, are a departure from such responsible management; with the apparent intent to maximize harvest regardless of the impact to Klamath fall Chinook and those of us that depend upon this stock.

The Yurok Tribe was also a member of the recently expired Klamath Fisheries Management Council (KFMC), a consensus operated body that was formed pursuant to the Klamath Act to advise the PFMC regarding the allocation and harvest of Klamath

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Basin fisheries resources. After much deliberation during an October 2005 KFMC meeting, through consensus, the KFMC recommended guidelines to the PFMC regarding the implementation of a true de minimis fishery (i.e. a fishery that would allow for some harvest while having negligible effect upon Klamath fall Chinook). This recommendation allowed harvest levels to fluctuate in relation to the projected abundance of the stock while ensuring that the long-term productivity of Klamath fall Chinook was protected. It is disheartening that the PFMC dismissed the KFMC's recommendation from consideration as an alternative in the final Environmental Assessment for Amendment 15; an action that was taken during the final month of the KFMC's existence.

Model Performance

It seems that the SSRM model results do not reflect reality, which cast doubt regarding the validity of all analysis in the EA that are derived from the model. If the model was reflective of reality, one would expect that the "Historical Average" and the "Status Quo" values would be similar; this is far from the case. As noted in Table 1 (taken from Table ES-1 of the EA) the model substantially underestimates for the status quo alternative the frequency that the various biological criteria would be violated.

Table 1. Comparison of the simulated Status Quo Alternative to the Historical Average from the SSRM analysis (taken from Table ES-1 of the EA).

Impact Criterion	Status Quo	Historical Average
Probability of natural spawning escapement < 12,000	1%	6%
Probability of mid-Klamath Sub Basins < 720 adults in any year	15%	35%
Probability of natural spawning escapement < 35,000 in any year	27%	47%
Probability of three consecutive years with the natural spawning escapement < 35,000 within 40 years	70%	100%

As noted in the EA (page iv), the primary value of the SSRM is for evaluating the relative difference between the alternatives. However, many of the criteria (such as the four listed in Table 1) are based on the probability that an absolute value is not met; an analysis that is not supported by a model intended for relative ranking type analysis.

Substock Protection

A primary concern we have regarding the proposed amendment is the high spawner reduction rates (SRR) of two of the alternatives (25% average SRR for the 10% cap alternative and 33% average tSRR for the 13% cap alternative); rates that we consider being well beyond the scope of de minimis fisheries. Such harvest levels at times of low abundance could have lasting detrimental effects to the genetic integrity of sub-stocks within the Klamath Basin; effects that are not assessed by the standard Ricker stock/recruit analysis (SSRM) conducted to analyze options of the proposed amendment. Given the nature of SRRM, and the associated high productivity of a stock at times of

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low abundance, it is not surprising that the model shows relatively minor decline in abundance of the entire Klamath-Trinity population regardless of the magnitude of fisheries at times of low abundance. However, such a stock/recruit analysis does not account for impacts to the genetic integrity of sub-stocks within the basin, which in reality comprises the overall productivity of the entire Basin stock.

Analysis within the amendment that assesses the relationship between overall basin escapement and the likelihood that one of three of the Basin's substocks (Shasta, Scott, and Salmon Rivers) would drop below a genetic threshold (720 fish) indicates a substantial difference between the alternatives. For example: 1) during the entire 40 year simulation, the 10% and 13% age-4 ocean impact cap alternatives would result in the genetic threshold of one of these sub-basins being violated 19% and 30% more often than the status quo alternative, and 2) during years 1-5 of the simulation, these alternatives are 32% and 49% more likely to result in one of these sub-stocks falling below the genetic threshold.

It is worth noting that the Shasta, Scott, and Salmon Rivers were primarily used as indicators regarding the risk that the genetic integrity of a sub-stock would be compromised, simply because adequate data exists to conduct such an analysis for these stocks. In reality, there are several other sub-stocks of fall Chinook within the Klamath-Trinity, many of which are less abundant than these three sub-stocks; however less long-term data is available to conduct such an analysis for these sub-stocks. An assessment of independent coho salmon population structure within the Klamath-Trinity Basin indicated nine separate populations¹; a similar finding would likely result for such an assessment for fall Chinook within the Klamath-Trinity Basin. Therefore, in reality the risk that a sub-stock would fall below the genetic threshold at times of low abundance would likely be much greater.

The frequency at which the Scott, Shasta, and Salmon River sub-stocks would fall below the genetic threshold was likely underestimated by the SSRM. This is indicated by the fact that the SSRM analysis estimated the average annual escapement under the status quo alternative to be 72,400, yet the average annual escapement for the past 28 years has actually been 49,900 adults (i.e. the model overestimated the average escapement by approximately 31%). As noted by the EA (page iv), the primary value of the SSRM analysis is to compare relative differences between the alternatives, however the sub-stock analysis involves use of the absolute value results from the SSRM analysis. Therefore, given that the SSRM over-estimates the absolute value of escapement to the Basin, the absolute abundance of the sub-stocks in the simulation model would also be over-estimated, therefore the sub-stock analysis actually under-estimates the frequency that the Shasta, Scott, and Salmon rivers would fall below the 720 fish genetic threshold.

¹ Williams, T.H., E.P. Bjorkstedt, W. Duffy, D. Hillemeier, G. Kautsky, T. Lisle, M. McCain, M. Rode, R.G. Szerlong, R. Schick, M. Goslin, and A. Agrawal. 2006. Historical population structure of coho salmon in the Southern Oregon/Northern California Coasts Evolutionarily Significant Unit. U.S. Dep. Commerce, NOAA Technical Memorandum NMFS-SWFSC-390.

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The importance of spatially distributed sub-stocks (or sub-populations) within a population has been identified as critical to the long-term viability of salmon populations². This concept is an important premise to the recovery of salmon populations that are listed under the Endangered Species Act. Failure to protect sub-stocks of the Klamath Basin by implementing the more liberal harvest alternatives of Amendment 15 would likely lead to the listing of Klamath fall Chinook sometime in the future.

It should also be noted that during the annual Yurok Tribal harvest management process we structure our season to protect sub-stocks of the basin. Our efforts to conserve the sub-stocks of the Basin could be now placed at risk.

Fall fisheries

We are disappointed that the precautionary alternative limiting fall fisheries during a year of de minimis fishing has been removed from the EA. Given that fall fishery impacts are not modeled, and that years of low abundance typically occur consecutively, it seems prudent to have minimal to no impacts during the fall so that the escapement, as well as potential fishing opportunities, for the following year are preserved. Failure to do so is allowing unknown fishery impacts upon a population that is of unknown but likely minimal abundance.

Poor Timing in light of restoration of the basin

Fisheries and non-fisheries groups are beginning to come together and develop long term solutions to long standing problems impacting Klamath River fish stocks. Any effort by any group to lessen protection of these stocks could upset the fragile discussions currently underway. Simply put, why should non-fisheries groups "give up" water or other concessions to protect fish when fishing groups are working to compromise stock conservation objectives? The need to protect fish stocks increases at times of low abundance; actions to weaken those protections should be carefully measured against longer term fish needs.

EIS

Given the magnitude of harvest within the 10% and 13% cap alternatives of the EA, and the impact these harvest levels would have on sub-stocks and the overall productivity of Klamath fall chinook during times of low abundance, it seems that a finding of no significant impact (FONSI) is inappropriate. Therefore, we recommend that an alternative be adopted similar to that recommended by the KFMC (i.e. approximately a 10% SRR with harvest declining linearly along with projected stock abundance). Absent adoption of status quo or an alternative similar to that of the KFMC (i.e. a true de minimis fishery), the Yurok Tribe request that an Environmental Impact Statement be developed as a FONSI is not supported nor can it be. A major policy change such as is being proposed is not an emergency and the comprehensive analysis mandated by an EIS in the National Environmental Policy Act can be complied with. The Yurok Tribe

² McElhany, P., M.H. Ruckelshaus, M.J. Ford, T.C. Wainwright, and E.P. Bjorkstedt. 2000. Viable salmonids populations and the recovery of evolutionary significant units. U.S. Dept. Commer., NOAA Tech. Memo. NMFS-NWFSC-42, 156 p.

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requests a response and compliance as required by the National Environmental Polity Act of 1969 42 U.S.C.A. §§ 4321 et seq.

If you have any questions regarding these comments please don't hesitate to contact myself or Dave Hillemeier (Yurok Fisheries Program Manager) at the address in the letter head.

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Howard McConnell, Chairman
YUROK TRIBE